IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 15571 of 2002

Between:

K.Venku Reddy, S/o. Krishna Reddy
Madaraju Gudur, Nellore Mandal,& District.

..... PETITIONER

AND

1 The District Collector,
Nellore.
2 The District Supply Officer,
Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, direction or order preferably in the nature of Mandamus declaring the action of the Respondents in not issuing certificate to the Petitioner permitting him to deliver the rice to Food Corporation of India and the Consequential notice Rc. D.788/2002, dt.4.7.2002 issued by the 1st Respondent as illegal, arbitrary, without any authority of law or jurisdiction and violative of Arts.14,19(1)(g) and 21 of the constitution of India, and also against the provisions of Essential Commodities Act and the Control Orders made thereunder, and set aside the impugned notice dt.4.7.2002 and further direct the Respondents to issue certificate to the petitioner as was done earlier to enable the petitioner to deliver the rice to Food Corporation of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.SUDHAKAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

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ORDER:

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The petitioner is the owner of a rice mill as well as a dealer engaged in the business of selling rice. He obtained a licence under the relevant control order. As a part of his business he used to regularly give levy of rice to Food Corporation of India (for short 'the FCI), converting paddy purchased from Ryots into rice. As per the instructions of the State Government, the FCI purchased rice from the millers like the petitioner on production of the certificate issued by the District Supply Officer stating that the miller/dealer has purchased paddy on minimum supporting rice during the crop year and also mentioning the quantity of rice the miller can sell. However, it is alleged that for the procurement year 2003 when the petitioner wanted to supply rice to FCI, such certificate was denied to the petitioner. Therefore, the present writ petition.

Inter alia, it is contended that the control on the movement of paddy and rice has since been removed by reason of the Central Government Control Order namely Removal of (Licensing Requirements) Stocks Limits and Movement Restrictions on Specified Foodstuffs Order, 2002. This Court while admitting the writ petition on 21-08-2002 passed interim orders in W.P.M.P.No.19488 of 2002 directing the respondents to issue necessary certificate to deliver the rice to FCI in Nellore.

The writ petition is filed in relation to the cause of action, which arose in 2003, for the procurement year 2003. By reason of the interim orders passed by this Court, it is denied, the petitioner has supplied the rice to FCI, Nellore, and therefore, the relief has become infructuous. If for the subsequent procurement years, the FCI or state authorities insist upon the certificate as a condition for acceptance of levy of rice by the FCI, it shall be open to the petitioner to seek appropriate redressal before the appropriate Forum.

The writ petition, with the above observation, is dismissed. No costs.

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(V.V.S.RAO, J)

07-06-2005

vs

To

1 The District Collector,
Nellore.
2 The District Supply Officer,
Nellore.

3 Two CCs to the G.P for Civil Supplies, High Court of A.P.,

Hyderabad(O.U.T).

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